

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTOPHER TODD BOUDREAU,

Defendant.

CR 22-46-M-DWM

ORDER

On June 9, 2023, Defendant Christopher Todd Boudreau moved unopposed to continue the June 15, 2023 hearing on his motion to dismiss, (Doc. 64), motion to suppress, (Doc. 66), motion to separate trial on counts, (Doc. 68), and two motions in limine, (Docs. 70, 74), citing the need for additional time to do a forensic analysis on his cell phone, (Doc. 86). Boudreau argues that he has not had sufficient time to “examine his phone to ensure no tampering[,]” (Doc. 86 at 1), however his new counsel has had since at least May 15, 2023 to locate a forensic expert, (*see* Doc. 60), and Boudreau has had even longer to do so. Thus, Boudreau’s motion to continue the hearing is denied.

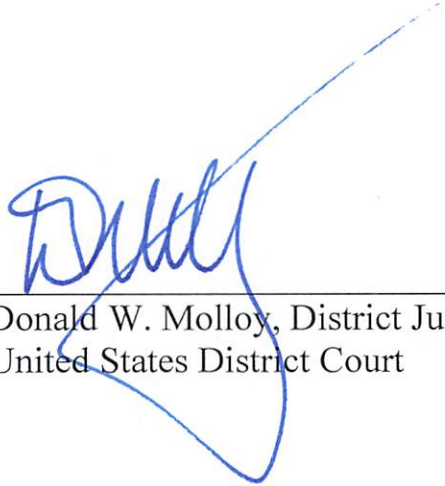
Boudreau also moves for the second time in this case to have the indictment dismissed on the ground that the government’s investigation was “outrageous.” (*See* Doc. 64.) For the reasons stated in the May 12, 2023 Order denying the first

motion to dismiss in this matter, (Doc. 57), and having considered the most recent briefing effort to resurrect an issue already put to rest, Boudreau's second motion to dismiss is denied. Defendant simply makes inferences about factual arguments that might be drawn from the recordings referenced in the briefs. That is not a basis to establish "outrageous" conduct on the part of the government. *United States v. Black*, 733 F.3d 294, 302 (9th Cir. 2013). In this case, Boudreau does not meet the extremely high standard of proving that the government's investigation technique was "so excessive, flagrant, scandalous, intolerable and offensive as to violate due process." *United States v. Edmonds*, 103 F.3d 822, 825 (9th Cir. 1996) (internal quotation marks omitted).

Accordingly, IT IS ORDERED that Boudreau's motion to continue the hearing (Doc. 86) is DENIED.

IT IS FURTHER ORDERED that Boudreau's second motion to dismiss, (Doc. 64), is DENIED.

DATED this 12th day of June, 2023.



Donald W. Molloy, District Judge
United States District Court